

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

CONNECTU LLC,

Plaintiffs,

v.

MARK ZUCKERBERG, EDUARDO SAVERIN,
DUSTIN MOSKOVITZ, ANDREW MCCOLLUM,
CHRISTOPHER HUGHES, and FACEBOOK,
INC.,

Defendants.

CIVIL ACTION NO. 1:04-CV-11923
(DPW)

MARK ZUCKERBERG, and FACEBOOK, INC.,

Counterclaimants,

v.

CONNECTU LLC,

Counterdefendant,

and

CAMERON WINKLEVOSS, TYLER
WINKLEVOSS, and DIVYA NARENDRA,

Additional Counterdefendants.

**FACEBOOK DEFENDANTS' MOTION FOR ENLARGEMENT OF TIME
TO FILE SUPPLEMENTAL BRIEFS**

Pursuant to Rule 6(b) of the Federal Rules of Civil Procedure and the inherent powers of the Court, the Facebook Defendants respectfully move this Court for an enlargement of time for them to file the supplemental briefs authorized by the Court in its December 21, 2006 Order (Docket No. 269).

In support of this motion, the Facebook Defendants state as follows:

1. On October 24-25, 2006, the Court heard witness testimony and argument

of counsel on the issue of Divya Narendra's membership in ConnectU LLC at the time the original complaint was filed. At the end of the hearing, the Court instructed the parties to provide additional briefing related to Mr. Narendra's membership. The Court asked for said briefing to be completed on December 7, 2006.

2. On December 21, 2006, after the post-hearing briefing was submitted, the Court issued an Order in which it granted Defendants leave to file further briefs addressing "all the legal issues concerning how it is determined whether or not Narendra was a member of the LLC on September 2, 2004." Docket No. 269, p.2. The Court-imposed deadline is Friday, January 5, 2007.

3. On December 21, 2006, after receiving the Court's Order, the Facebook Defendants requested a stipulation from Plaintiff to enlarge the briefing schedule. Plaintiff refused to so stipulate.

4. Rule 6(b) of the Federal Rules of Civil Procedure authorizes the Court, for "cause shown," to enlarge the period of time in which an act is required or allowed "if request therefore is made before the expiration of the period originally prescribed" Fed. R. Civ. P. 6(b). Because two national holidays (*i.e.*, Christmas and New Year's Day) fall within the time allotted for said further briefing, and because several of the Defendants' attorneys are otherwise committed during this time, the Facebook Defendants request that the Court enlarge the time for briefing by two weeks. The enlargement of time will allow Facebook to ensure it provides the Court with a complete set of arguments as to all legal issues related to Mr. Narendra's membership in ConnectU LLC.

5. The Facebook Defendants explained the above-reasons to counsel for ConnectU, but ConnectU's counsel refused to assent to this motion.

WHEREFORE, the Facebook Defendants respectfully request that the Court enlarge, by two weeks, the time allotted for them to file their supplemental briefs regarding Mr. Narendra's membership in ConnectU LLC.

Certification Pursuant to Local Rule 7.1

The undersigned attorney hereby certifies that counsel for the parties have conferred in an attempt to resolve or narrow the issues presented by this motion, and that counsel for plaintiff ConnectU, Inc., John Hornick, refused to assent to this motion.

Dated: December 27, 2006

Respectfully submitted,

/s/ I. Neel Chatterjee /s/

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CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on December 27, 2006.

Dated: December 27, 2006.

Respectfully submitted,

/s/ I. Neel Chatterjee/s/

I. NEEL CHATTERJEE